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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,000

05/03/2006

Shizuo Manabe

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EXAMINER

WANG, JIN CHENG

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

08/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/578,000</p>	<p><b>Applicant(s)</b> MANABE, SHIZUO</p>	
	<p><b>Examiner</b> JIN-CHENG WANG</p>	<p><b>Art Unit</b> 2628</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See below. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1 and 4-10.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See below.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Jin-Cheng Wang/  
Primary Examiner, Art Unit 2628

Continuation of Item 3(a):

The amendment after final does not place the application in condition for allowance because the amended claim does not overcome the rationale of rejection set forth in the Final Rejection dated 3/4/2009. For example, the new amendment limits the claim to computer readable storage medium. However, limiting the claim to computer readable storage medium does not add any practical limitation to the scope of the claim. Such a field-of-use limitation is insufficient to render an otherwise ineligible claim patent eligible. In essence applicant is preempting all substantial uses of the claimed abstract idea. See *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008). In *re Abele and Marshall*, 214 USPQ 682 (C.C.P.A. 1982). US Patent and Trademark Office Appeal No. 2008-1495, Ex parte Lars Langemyr et al., decided May 28, 2008. Additionally the storage medium limitation does not make the non-statutory method statutory in view of US Patent and Trademark Office Appeal No. 2008-1495, Ex parte Lars Langemyr et al., decided May 28, 2008. US Patent and Trademark Office Appeal No. 2008-4742, Ex parte MARIUS A. CORNEA-HASEGAN, decided January 13, 2009.

Continuation of Item 11:

Applicant argues in essence with respect to the claim 1 and similar claims that Kobari fails to disclose a placement to place a character string along a prospective guide line that is located at the center of prospective guide lines that are longer than the longest horizontal segment of the area of the character string. The Examiner respectfully disagrees.

Kobari teaches that each circumscribed quadrangle has two horizontal prospective guide lines.

Kobari teaches at Drawing #3 that at least two horizontal prospective guide lines for each circumscribed quadrangle 6 and at least two horizontal prospective guide lines for each circumscribed quadrangle 5 along with a centerline of the quadrangles or the horizontal line are drawn in the figure, meeting the claimed prospective guide line(s). Kobari teaches at at Drawing# 5 and Paragraph 0017 that the actual breadth of the character string circumscribed quadrangle 6 in the middle point of the lengthwise direction of the circumscribed quadrangle 5 of a polygon should have more than a character string width + threshold, thus the two horizontal guide lines of the quadrangle are longer than the character string, meeting the claimed "longer than the longest horizontal segment of the area of the character string).